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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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8 CHUCK SAUER and  
9 SANDRA SAUER,

CASE NO. 02-CV-2123 GEB CMK

10 Plaintiffs,

11 vs.

ORDER

12 USA, et al,

13 Defendants.  
14 \_\_\_\_\_/

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16 Following the entry of final judgment in the above-  
17 referenced matter, Plaintiffs filed two motions seeking further  
18 post-judgment relief. On March 21, 2005, Plaintiffs filed a  
19 document entitled "Motion to Dismiss the Government's Counter-  
20 complaint" ("Motion to Dismiss"). On March 30, 2005, Plaintiffs  
21 filed a document entitled "Request for 20 Day Extension to  
22 Request for Reconsideration by District Court Magistrate Judge's  
23 Ruling" ("Request for Extension").

24 On March 16, 2005, this Court adopted the findings and  
25 recommendations of the Magistrate Judge and entered its order  
26 granting Defendants' motion for summary judgment ("Order").  
27 Final judgment ("Judgment") on said Order was entered the same  
28 day. Plaintiffs contend that they did not receive either the

1 Order or Judgment, and now request additional time to file a  
2 motion for reconsideration.

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4 Motion to Dismiss

5 Plaintiffs' Motion to Dismiss involves a post judgment  
6 request to dismiss a cause of action set forth in Defendants'  
7 counterclaim. This motion will be denied as moot since final  
8 judgment has already been entered which necessarily resolved all  
9 remaining issues in this action.

10 Request for Extension

11 In Plaintiffs' Request for Extension, they seek additional  
12 time to seek reconsideration of the court's Order and Judgment.  
13 It is not necessary, however, for this court to address  
14 Plaintiffs' request for additional time to file a motion for  
15 reconsideration, since the Clerk of the Court is ordered to  
16 reserve plaintiffs with the Order (Document Entry # 103) and the  
17 Judgment (Document Entry #104). By so doing, Plaintiffs'  
18 opportunity to file post-judgment motions under the Local Rules  
19 and the Federal Rules of Civil Procedure will begin from the date  
20 of reservice. Plaintiffs are cautioned, however, that to prevail  
21 on a motion for reconsideration, a party must comply with the  
22 provisions of Local Rule 78-230(k). See also, In re Arrowhead  
23 Estates Development Co., 42 F.3d 1306, 1311 (9<sup>th</sup> Cir. 1994);  
24 Amesco Exports, Inc. v. Associated Aircraft Mfg. & Sales, Inc. 87  
25 F. Supp. 2d 1013 (C.D. Cal., 1997), citing Kern-Tulare Water  
26 Dist. v. City of Bakersfield, 634 F. Supp. 656, 665 (E.D. Cal.  
27 1986) and Publishers Resource, Inc. v. Walker-Davis  
28 Publications, Inc., 762 F.2d 557, 561 (7th Cir. 1985).

1 IT IS HEREBY ORDERED:

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3 1. Plaintiffs' Motion to Dismiss is denied.

4 2. The Clerk of the Court is ordered to reserve the Order  
5 (Document # 103) and the Judgment (Document Entry #104) upon  
6 Plaintiffs.

7 3. Plaintiffs' Request for Extension is denied without  
8 prejudice for the reasons herein stated. Any time period  
9 afforded Plaintiffs to file post-judgment motions under the Local  
10 Rules and the Federal Rules of Civil Procedure shall commence  
11 upon the reservice of Documents #103 and # 104.

Dated: April 29, 2005

12  
13 /s/ Garland E. Burrell, Jr.  
14 GARLAND E. BURRELL, JR.  
United States District Judge